



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JUL 10 2014

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL NO.: 7009 1680 0000 7677 8688**  
**RETURN RECEIPT REQUESTED**

Mr. Brian Brown  
Operations Manager  
Superior Fiberglass and Resins  
1030 All Pro Drive  
Elkhart, Indiana 46514

Re: Notice of Violation  
EPA I.D. No.: INR 000 015 289

Dear Mr. Brown:

On May 13, 2014, a representative of the U.S. Environmental Protection Agency inspected Superior Fiberglass and Resins (Superior or the facility) located in Elkhart, Indiana. The purpose of the inspection was to evaluate Superior's compliance with certain provisions of the Resource Conservation and Recovery Act (RCRA); specifically, those regulations related to the generation, treatment and storage of hazardous waste. We have enclosed a copy of the inspection report for your reference.

Based on EPA's May 13, 2014, inspection that included personal observations made by the inspector, and a review of records and information provided by Superior, EPA finds that Superior violated certain requirements of the Indiana Administrative Code (IAC) and the United States Code of Federal Regulations (CFR). To be eligible for the exemption from the requirement to obtain a hazardous waste treatment, storage or disposal permit, Superior must be in compliance with the conditions of 329 IAC 3.1-7-1 [40 CFR § 262.34(a)].

Specifically, we found that Superior was is in noncompliance with the following condition for a hazardous waste storage permit exemption, and in violation of the following requirements:

1. To avoid the need for a hazardous waste storage permit, a large quantity generator of hazardous waste must review and revise the facility contingency plan when the facility changes in a way that modifies the emergency response necessary, when information regarding the emergency coordinators changes, or when equipment changes. See 329 IAC 3.1-7-1 and 3.1-10-1 [40 CFR §§ 262.34 (a) (4) and 265.54 (c), (d) and (e)].

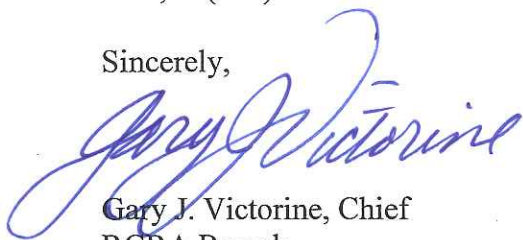


At the time of the inspection, Superior had not reviewed and revised its Hazardous Waste Contingency Plan (SPCC Plan) to reflect changes in information regarding the emergency coordinator and alternates, and provided that information to local emergency authorities. On June 23, 2014, Superior provided documentation that it had reviewed and revised its Hazardous Waste Contingency Plan (SPCC Plan) after the May 13, 2014 inspection to reflect changes in information regarding the emergency coordinator and alternates, and had also provided that information to local emergency authorities. Based on this information, Superior has established compliance with the requirements of 329 IAC 3.1-7-1 and 3.1-10-1 [40 CFR §§ 262.34 (a) (4) and 265.54 (c), (d) and (e)].

This letter is to inform you that EPA does not plan additional enforcement action at this time. This letter does not limit the applicability of the requirements evaluated, other RCRA regulations, or regulations under other statutes. EPA appreciates Superior's cooperation.

If you have any questions or concerns regarding this letter, please contact Diane Sharrow, of my staff, at (312) 886-6199.

Sincerely,



Gary J. Victorine, Chief  
RCRA Branch

Enclosure

cc: Nancy Johnston, Indiana DEM (njohnsto@idem.in.gov)





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 W. JACKSON BOULEVARD  
CHICAGO, IL 60604

COMPLIANCE EVALUATION INSPECTION REPORT

**INSTALLATION NAME:** Superior Fiberglas and Resins

**EPA ID No.:** INR 000 015 289

**LOCATION ADDRESS:** 1030 All Pro Drive, Elkhart, Indiana 46514

**NAICS CODE(S):** 42469 Other Chemical and Allied Products Merchant Wholesalers

**DATE OF INSPECTION:** 13 May 2014

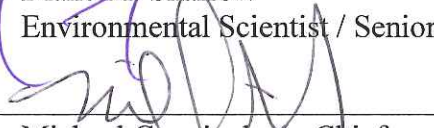
**EPA INSPECTOR:** Diane M. Sharrow  
Environmental Scientist / Senior Inspector  
Mail Code LR-8J  
Land and Chemicals Division  
RCRA Branch  
Compliance Section 1  
(312) 886-6199 Direct  
(312) 692-2906 Facsimile  
Sharrow.diane@epa.gov

**PREPARED BY:**

  
Diane M. Sharrow  
Environmental Scientist / Senior Inspector

23 June 2014  
Date

**REVIEWED BY:**

  
Michael Cunningham, Chief  
Compliance Section 1  
RCRA Branch

6/30/14  
Date



## INTRODUCTION

### Purpose of Inspection

The purpose of the inspection was to conduct an unannounced Compliance Evaluation Inspection (CEI) at Superior Fiberglass and Resins, located at 1030 All Pro Drive, Elkhart, Indiana 46514. The CEI was conducted to evaluate Superior's compliance with certain provisions of the Resource Conservation and Recovery Act (RCRA), and the state and federal regulations related to the management of solid waste, hazardous waste, used oil and universal waste.

### Background

A CEI to evaluate compliance with certain provisions of the RCRA, including those regulations related to the management of hazardous waste, was last conducted at Superior, by staff of the Indiana Department of Environmental Management (Indiana DEM) on September 1, 2011.

Superior operates a chemical distribution facility, and is the Headquarters for the Superior Fiberglass and Resins Division and also a Branch of Superior's Solvent Chemicals Division. Superior notified the United States Environmental Protection Agency (EPA) that it was a generator of hazardous waste on or about March 25, 1998, and identified itself as a large quantity generator (LQG). Superior most recently identified their hazardous waste on their 2013 Annual Report as follows: D001 (waste polyester resin); D001 and F003 (resin solids and debris from tote parts cleaning); D002 (obsolete lactic acid), D002 (waste water / rinse water and spent caustic solution), and D035, D001 and F003 (spent acetone from tote parts washing).

## OPENING CONFERENCE

I arrived at Superior at approximately 8:45 AM EST. I parked my vehicle and entered the front of the building. I identified myself to the receptionist and presented my enforcement credentials. I explained that the purpose of my visit was to conduct an unannounced CEI at Superior. She indicated that she would contact Brian Brown, the Operations Manager. After making a telephone call, she indicated that Mr. Brown would join me in a few minutes. While waiting for Mr. Brown, I signed the visitor's log.

Steve McIlwain, the General Manager, arrived a few minutes before Mr. Brown and introduced himself to me. I identified myself and presented my enforcement credentials. A few minutes later Mr. Brown arrived and I identified myself and presented my enforcement credentials to Mr. Brown. I explained to Mr. Brown and Mr. McIlwain that the purpose of my visit was to conduct an unannounced CEI at Superior that included a Records Review as well as a Visual Site Inspection (VSI).

Both gentlemen escorted me to a conference room. I briefly summarized the records that I would be reviewing, and provided them with the following documents: the U.S. EPA OECA Small Business Information Sheet; the U.S. EPA Region 5 List of Pollution Prevention Contacts; and pollution prevention information from the Indiana DEM. I asked Mr. Brown if they could provide me with a copy of a site diagram that we could use during the VSI. He provided me





with a copy of a diagram of the Facility from the Spill Prevention Control and Countermeasure Plan (SPCC Plan). I indicated that I would like to conduct the VSI first, and then the Records Review.

I explained to Messrs. Brown and McIlwain that I would be taking photographs, but that I would let them know if I was going to take a photograph so that: 1) they could also take a photograph; and 2) they could inform me whether my photograph captured images or information that Superior wished to protect by asserting a claim of business confidentiality. I also asked them to verify that my personal safety equipment (steel-toed boots, hardhat, earplugs, and safety glasses with side shields) was adequate. They indicated that my safety equipment was adequate.

### VISUAL SITE INSPECTION

We exited the office conference room and entered the Facility from the west. We proceeded to the north where I visually inspected the hazardous waste tote storage area (see Photograph 1). I observed that the five hazardous waste storage totes were all labeled and dated appropriately (see Photograph 2). As noted on the diagram, a spill kit was located adjacent to the storage area (see photograph 3).

We proceeded east and exited the building to the north. I visually inspected the west and north side of the building, and then we walked through the exterior Trailer Parking and Product Tank area. I noted one hazardous waste satellite accumulation container at the northeast corner of the building adjacent to Product Tank 1 (see Photograph 4). I noted that the hazardous waste satellite accumulation container was properly labeled and closed when not in use.

We re-entered the building and walked to the west along the Flammable Drumming area. I observed one hazardous waste satellite accumulation container in the Flammable Warehouse (see Photograph 5), and one hazardous waste satellite accumulation container near Flammable Drumming (see Photograph 6). I noted that both hazardous waste satellite accumulation containers were properly labeled.

We turned north and proceeded to the Tote Cleaning Area. I noted two hazardous waste satellite accumulation containers (see Photograph 7). I noted that both hazardous waste satellite accumulation containers were properly labeled (see Photographs 8 and 9). I also noted a grate in front of the two hazardous waste satellite accumulation containers (see Photograph 10). I noted that pit beneath the grate was empty. Mr. Brown explained that the Tote Cleaning Area (see Photograph 11) and the grated pit are self-contained and any material in the containment from Tote Cleaning is immediately removed.

From the Tote Cleaning Area we proceeded south to the loading areas. I noted one container of universal waste lamps (see Photograph 12) in the corner between the Organic Peroxide Storage Room and the Front Loading Docks. I noted that the universal waste container was properly labeled (though starting to peel off) and the container was closed. We then exited the Drum and Tote Storage Area and returned to the Office Conference Room.



During the VSI portion of the CEI, I took twelve photographs with my Canon PowerShot A2500 digital camera, with 16 megapixel resolution. These photographs are attached to this inspection report and are true and representative of the conditions I observed on the date of the CEI, except that the time stamped on the photographs is one hour earlier than the actual CEI due to my error.

## **RECORDS REVIEW**

As part of the Records Review I reviewed waste hazardous waste manifests (manifests). Based on a review of manifests, I confirmed that Superior was an LQG and conducted the Records Review accordingly. During the Records Review I reviewed waste analysis procedures and waste profile records, manifests, land disposal restriction forms and certifications (LDRs), daily and weekly inspection documentation, and Superior's Spill Control and Countermeasure Plan (SPCC and Contingency Plan), Annual Reports and training records.

As I reviewed the hazardous waste manifests from 2011 through 2014, I noted that Brian Brown signed all the manifests on Superior's behalf. During my review of inspection reports, I noted that "Lee G", was recording the inspections and that were several weeks where there were no inspections. Mr. Brown indicated that Lee's last name was Gordon, and that depending on the shipment dates, there were no records kept when there was no hazardous waste in storage. I suggested that Mr. Gordon record his last name, and indicate dates of shipment and / or when there was no hazardous waste in storage.

During my review of Superior's November 2011 SPCC plan I noted that one of the emergency coordinators, Mr. Dixon, was no longer with Superior. Messrs. Brown and McIlwain indicated that the SPCC Plan needed to be revised to remove Mr. Dixon and replace him with Mr. McIlwain, and then share the revised SPCC with local emergency authorities. Mr. Brown also indicated that Superior had to implement the SPCC on September 18, 2012 when a product tank exploded. One employee was injured, all employees evacuated, and the fire was quickly suppressed by the foam suppression system.

I reviewed the Superior Job Safety Analysis / Job Descriptions that were not specifically included in the SPCC; specifically, for Driver and Warehouse Operator, and Container Filling. I also reviewed the hazardous Waste Management Program dated May 2009 (printed November 14, 2103), and training records. I noted that annual refresher training was conducted at Superior – Elkhart by Richie Paul, Environmental Specialist at Superior's Indianapolis, Indiana corporate office April 11, 2014. I also noted that a total of thirteen employees were trained, excluding Mr. McIlwain and Justin Moore, a driver hired in March 2014. Mr. McIlwain explained that both he and Mr. Moore had received documented on-the-job training and was scheduled for specific training on May 15, 2014 in the Superior Corporate Office. Mr. Brown indicated that Mr. Paul held certificates in hazardous waste training.



### **CLOSING CONFERENCE**

At the end of the CEI, I conducted a brief closing conference with Messrs. Brown and McIlwain. I summarized the observations I had made during the Record Review and VSI. I explained that I would review my notes, checklist and photographs and make a compliance decision in consultation with my management. I also explained that I would send a letter to Superior, along with the inspection report, checklist and photographs. I then concluded the CEI. I signed out on the visitor log and returned to my vehicle. I departed Superior at approximately 12:00 PM EST.

### **Attachment(s)**

Inspection Checklist  
Photographs (12)



DMS

Superior Fiberglass Resins

NR 000 015989

## U.S. EPA Generator Checklist for Indiana

2/21/2014

5/13/14

**PART 262: Standards Applicable to Generators of Hazardous Waste**

#	40 CFR	NA = Not Applicable, NI = Not Inspected, OK = In Compliance, DF = Deficiency	NA	NI	OK	DF
<b>GENERAL</b>			<b>NA</b>	<b>NI</b>	<b>OK</b>	<b>DF</b>
1	262.11	Hazardous Waste Determination (characteristic, listed, TCLP, knowledge, exclusions) <i>Waste Analysis</i>			✓	
2	262.12(a)	EPA Identification Number (Generator must have ID number)			✓	
3	262.12(c)	Generator must not offer waste to transporters or facilities that have not received ID number.			✓	
<b>THE MANIFEST</b>			<b>NA</b>	<b>NI</b>	<b>OK</b>	<b>DF</b>
4	262.20	General Requirements (manifest to approved TSD/alt. TSD, SQG reclaim exemption on file)(all required info)			✓	
5	262.21	Manifest Acquisition (generator state 1st, consignment state 2nd)			✓	
6	262.22	Number of Copies (generator, transporters, TSD, & 1 copy returned to generator)			✓	
7	262.23	Manifest Use (signature & date: generator, transporter, TSD, keep copy)			✓	
8	329 IAC 3.1-7-4	Indiana Manifest required for hazardous waste shipped to Indiana TSD Facilities			✓	
9	329 IAC 3.1-7-6	Manifest copies available for review, submitted copies within 5 days after shipping			✓	
<b>PRE-TRANSPORT REQUIREMENTS</b>						
<b>NOTE: If facility treats in &lt; 90 day tanks or containers, see 268.7</b>						
10	262.30, 31, 32, 33	Packaging, Labeling, Marking, Placarding (DOT regulations) (Only apply if waste is in the process of being transported)			✓	
<b>LARGE QUANTITY GENERATORS</b>			<b>NA</b>	<b>NI</b>	<b>OK</b>	<b>DF</b>
11	262.34(a)	90 Day accumulation limit: Generator may accumulate on-site for 90 days or less provided that:			✓	
12	262.34(a)(1)	Waste is placed in tanks, containers, containment <del>building</del> , or drip <del>pad</del>			✓	
13	262.34(a)(2)	Container marked with start of accumulation date			✓	
14	262.34(a)(3)	Container/tank marked "Hazardous Waste"			✓	
15	262.34(b)	30 Day extension	✓			
<b>SATELLITE CONTAINERS</b>			<b>NA</b>	<b>NI</b>	<b>OK</b>	<b>DF</b>
16	262.34(c)(1)	Satellite accumulation (55 gal. maximum or one (1) quart acutely hazardous)			✓	
17	262.34(c)(i)	i) Container must be closed when not in use, in good condition, and compatible with waste			✓	
18	262.34(c)(ii)	ii) marked "Hazardous waste" or other words, at or near process and under control of operator			✓	

DMS  
5/13/14

# U.S. EPA Generator Checklist for Indiana

2/21/2014

19	262.34(c)(2)	If exceed 55 gal., container must be marked with accumulation date and must be removed within 3 days	✓			
<b>SMALL QUANTITY GENERATOR</b>			NA	NI	OK	DF
20	262.34(d)(e)(f)	SQG Requirements - 180 days or less (unless transported over 200 miles), quantity of hazardous waste on-site 6000 kg. or less, must follow:	↑			
21	262.34(d)(4)	Containers marked with start of accumulation date and words "Hazardous Waste"	↑			
22	262.34(d)(4)	Must also comply with 265 Subpart C and I. See pages 4 and 5.	↑			
23	262.34(d)(5)	i) Emergency coordinator identified	↑			
24	262.34(d)(5)	ii) Following info posted: emergency coordinator, emergency equipment location, phone numbers	↑			
25	262.34(d)(5)	iii) Employees must be familiar with handling and emergency procedures	↑			
26	262.34(d)(5)	iv) Respond to emergencies	↑			
<b>RECORD KEEPING</b>			NA	NI	OK	DF
27	262.40	RECORD KEEPING (3 yrs. for copy from manifests, TSD, biennial report, exception report, test results, waste analysis/determination, extension time for unresolved enforcement.)			✓	
28	262.41	Biennial Report (due March 1 even numbered years) (LQG ONLY)			✓	
29	262.42	Exception Reporting (LQG: >35 days, if no return copy of manifest, contact TSD: >45 days report to IDEM, (SQG: >60 days) transportation report to IDEM)	✓			
30	262.43	Additional Reporting, if required by Commissioner (concerning quantities and disposition of wastes in 40 CFR 261)	✓			
31	262.44	SQG Recordkeeping Requirements (keep records for 3 years: manifests, exceptions, waste determination/analysis)	✓			
<b>EXPORTS</b>			NA	NI	OK	DF
32	262.52	General Requirements (notify EPA, accepted by receiving country, EPA consent)	↑			
33	262.53	Notification of Intent to Export	↑			
34	262.54	Special Manifest Requirements for Primary Exporters	↑			
35	262.55	Exception Reports (>45 days from US departure, >90 days from receipt by foreign source/waste returned to US)	↑			
36	262.56	Annual Reports (March 1 annually for waste: types, quantity, frequency, destination, waste reduction send to EPA)	↑			
37	262.57	RECORD KEEPING (3 years for intent to export, EPA acknowledgments, confirmation of delivery, and annual reports)	✓			
<b>IMPORTS OF HAZARDOUS WASTE</b>			NA	NI	OK	DF
38	262.60	Hazardous Waste Imports (use consignment state's manifest)	✓			

2012/13/14



# U.S. EPA Generator Checklist for Indiana

2/21/2014

TSD STANDARDS APPLICABLE TO GENERATORS			NA	NI	OK	DF
GENERAL FACILITY STANDARDS (NA for SQG)						
39	262.34 / 265.16(a)	Personnel Training (Program Adequacy) <i>Note training done April 11/18 2013. Need to be done 2014</i>			✓	
40	262.34 / 265.16(b)	Personnel received training within six (6) months			✓	
41	262.34 / 265.16(c)	Personnel received annual review <i>2 New Employees → Steve McElwain Justin Moore</i>			✓	
42	262.34 / 265.16(d)	Training Documents: job titles, job description, type of training, training records <i>new Checklist for Training / Employee Training Checklist</i>			✓	
PREPAREDNESS AND PREVENTION <i>First Drilling 1-13-14</i>			NA	NI	OK	DF
43	262.34 / 265.31	Maintenance & Facility Operation (must be maintained & operated to minimize possibility of release)			✓	
44	262.34 / 265.32	Required Equipment (a. Internal alarm/communication system b. External/telephone communication c. Fire extinguishers and spill control equipment d. water/foam) <i>yes yes</i>			✓	
45	262.34 / 265.33	Testing & Maintenance of Equipment <i>Fire Sup - Ryan Fire Prot. Fire Ext - Annual Outside Vendor Maintenance - Brian Brown</i>			✓	
46	262.34 / 265.34	Communication & Alarm Access			✓	
47	262.34 / 265.35	Required Aisle Space (to allow movement of spill control and emergency equipment and inspections)			✓	
48	262.34 / 265.37	Local Authority Arrangements (police, fire, hospital) <i>yes - need to send updated C.P.</i>			✓	
CONTINGENCY PLAN & EMERGENCY PROCEDURES (NA for SQG)			NA	NI	OK	DF
49	262.34 / 265.51	Contingency Plan for Facility			✓	
50	262.34 / 265.52	Contingency Plan Content (SPCC plan, local arrangements, emergency coordinator, equipment list, evacuation plan, etc.) <i>OK OK</i>			✓	
51	262.34 / 265.53	Contingency Plan Available (on-site, local distribution) <i>needs to be revised change in alt. coord.</i>			✓	
52	262.34 / 265.54	Contingency Amendments (when regulations change, if plan fails, when facility makes changes)			✓	
53	262.34 / 265.55	Emergency Coordinator available			✓	
54	262.34 / 265.56	Emergency Procedures followed			✓	
USE & MANAGEMENT OF CONTAINERS			NA	NI	OK	DF
55	262.34 / 265.171	Container Condition (If not in good condition or leaking, must transfer waste or manage in some other way)	✓			

*2MS 5/13/14*

# U.S. EPA Generator Checklist for Indiana

2/21/2014

56	262.34 / 265.172	Waste Compatibility with Container			✓	
57	262.34 / 265.173	Container Management (closed/manged to prevent leaks)			✓	
58	262.34 / 265.174	Inspections (weekly) <i>Yes - unless no waste present 7 done every Friday</i>			✓	
59	262.34 / 265.176	Ignitable/Reactive Waste (50 ft. set back)			✓	
60	262.34 / 265.177	Special Requirements for Incompatible Waste (physical separation/container compatibility)			✓	
<b>LAND DISPOSAL RESTRICTIONS</b>			<b>NA</b>	<b>NI</b>	<b>OK</b>	<b>DF</b>
61	268.3	Dilution prohibited as substitute for adequate treatment			✓	
62	268.7	Waste Analysis, Recordkeeping (LDR Notifications: waste code, whether it is a wastewater or non-wastewater, waste constituents to be monitored if monitoring will not include all regulated constituents, subcategory if applicable, and manifest number.)			✓	
63	268.7 (a)(4)	Treatment in 90-day tanks/containers requires waste analysis plan and testing frequency, filed with Regional Administrator (IDEM), certification of shipment, retained copies on-site (5 yrs.), notifications include: EPA ID #, treatment standards with 5 letter code, and manifest number	✓			
64	268.7(a)(7)	Notifications must be kept on-site for five (5) years			✓	
65	268.9	Listed and characteristic waste codes assigned for listed waste exhibiting characteristic			✓	
66	268.42	Alternative treatment specified for lab packs, mixed waste: most stringent standards	✓			
67	268.45	Treatment standards for hazardous debris			✓	
<b>OTHER</b>			<b>NA</b>	<b>NI</b>	<b>OK</b>	<b>DF</b>
68	IC 13-30	Release of contaminants to environment	✓			
69	IAC 3.1-7-8	Facility has waste minimization program as certified on manifest			✓	
70	IC 13-30-2-1 (9)	Does facility have any processes or activities (e.g. waste piles, incinerators, land disposal) which require a permit or interim status? If so, please identify below:	✓			

*MS*  
5/13/14



PHOTOGRAPH 1 of 12: Hazardous waste tote storage northwest corner of building (facing south).



PHOTOGRAPH 2 of 12: Hazardous waste tote label (facing south).





PHOTOGRAPH 3 of 12: Spill Kit southeast of hazardous waste tote storage (facing southwest).



PHOTOGRAPH 4 of 12: Hazardous waste satellite accumulation container at northeast corner of building near Tank 1 (facing west).





PHOTOGRAPH 5 of 12: Hazardous waste satellite accumulation container in drumming area (facing northeast).



PHOTOGRAPH 6 of 12: Hazardous waste satellite accumulation container at corner of flammable drumming (facing northeast).



PHOTOGRAPH 7 of 12: Two 55-gallon hazardous waste satellite accumulation containers in tote cleaning area (facing north).



PHOTOGRAPH 8 of 12: Label on blue 55-gallon hazardous waste satellite accumulation container in tote cleaning area.



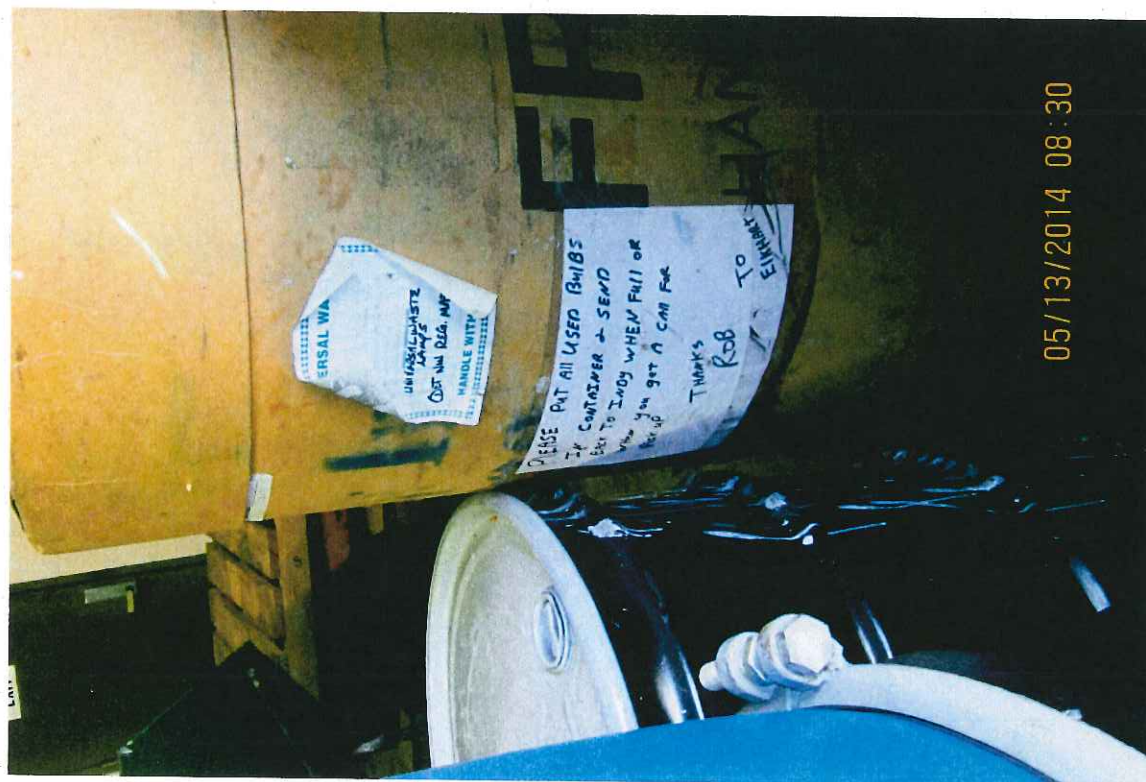
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PHOTOGRAPH 11 of 12: Tote cleaning area along north wall (facing northwest).



PHOTOGRAPH 12 of 12: Universal waste lamps near overhead door on south side of building (facing southeast).